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NOTE BY THE SECRETARY-GENERAL

Addendum

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication of 3 December 1993, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

Annex

Letter dated 3 December 1993 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I refer to my letters of 16 September (S/26456) and 11 October 1993 (S/26456/Add.1) covering reports to the Security Council on the Agency's efforts to implement the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea pursuant to the Council's request in its resolution 825 (1993).

Please find attached a further addendum that covers subsequent developments. I should be grateful if the addendum could be brought to the attention of the Security Council.

(Signed) Hans BLIX
Director General

Appendix

Addendum dated 3 December 1993 to the report by the Director General to the Security Council on the implementation of the agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

I. SUMMARY

1. Since the submission of the last report by the Director General to the Security Council on the implementation of the agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (S/26456/Add.1) on 11 October 1993, the safeguards situation has deteriorated further. During this period no consultation between the Democratic People's Republic of Korea and IAEA and no inspections of any kind at nuclear facilities in the Democratic People's Republic of Korea have taken place. Surveillance equipment, such as cameras, have ceased to operate, seals have not been checked and many items, which, for reasonable assurance against misuse, require visits and verification at determined intervals, have not been visited.

2. In his address to the General Assembly, on 1 November 1993, the Director General stated that the central safeguards issue relating to the Democratic People's Republic of Korea, which still remains unsolved, was "that IAEA verification activities in the Democratic People's Republic of Korea suggest that some nuclear material exists there which has not been reported to the Agency. Hence, the Agency cannot verify the correctness and assess the completeness of the Democratic People's Republic of Korea's report of material subject to safeguards ... Until such time as the inconsistency between the Democratic People's Republic of Korea's report and the Agency's findings is satisfactorily resolved through additional information and visits to additional locations, the possibility that nuclear material has been diverted cannot be excluded." The Director General added that "The longer the Agency is precluded from conducting inspection, the more safeguards-related data deteriorate and the less assurance safeguards can provide that even the declared facilities are used exclusively for peaceful purposes" (see Official Records of the General Assembly, Forty-eighth Session, Plenary Meetings, 45th meeting (A/48/PV.45).

3. One month later, in his statement to the IAEA Board of Governors on 2 December 1993, the Director General stated that he was "bound to conclude that the safeguards system which was in place on declared nuclear material and installations in the Democratic People's Republic of Korea cannot be said to provide any meaningful assurance of peaceful use of these installations and this material. This is not to say that the system could not, with renewed efforts, be fully or partially restored, if cooperation were forthcoming from the Democratic People's Republic of Korea."

4. The Agency is ready at any time to receive a team from the Democratic People's Republic of Korea for consultations about the whole safeguards issue,

including the need for additional information and visits to additional locations. It is also ready to send an inspection team to perform a full range of inspection activities. These activities have been indicated in detail by the Agency and are of the same kind as the Agency previously undertook in the Democratic People's Republic of Korea without objections by that country's authorities. They evidently go far beyond maintenance activities, but they do not include the question of additional information and visits to additional locations, about which the Agency is mandated to consult separately with the Democratic People's Republic of Korea.

II. CHRONOLOGY

5. On 25 October 1993, the IAEA Deputy Director General for Safeguards sent a telex to the Director of the Department for External Relations of the Ministry for Atomic Energy of the Democratic People's Republic of Korea, Mr. Choi. The telex referred to two meetings, on 20 and 22 October 1993, one between a representative of the Permanent Mission of the Democratic People's Republic of Korea and the Deputy Director General for Safeguards and the second between that representative and the Assistant Director General of the Agency for External Relations, at which the Agency had again stressed the need for inspection as specified in the Agency's telex of 8 September 1993.

6. The telex also said that "the safeguards status of the facilities listed in the telex of 18 September 1993 was deteriorating" and made it clear that, "to account for the failure of some surveillance equipment, certain measures not foreseen in the telex of 8 September would also have to be taken." The telex also explained that the necessary inspection mission to the Democratic People's Republic of Korea would have to "comprise seven inspectors and last for two to three weeks". Moreover, if the Democratic People's Republic of Korea was to decide to refuel the 5MW(e) reactor at this juncture, "the composition and duration of the mission would have to be adjusted accordingly."

7. In a letter of 25 October 1993 to the Secretary-General of the United Nations, the Permanent Representative of the Democratic People's Republic of Korea to the United Nations clarified the position of the Government of the Democratic People's Republic of Korea "with regard to the unjust action of the International Atomic Energy Agency". The letter, inter alia, stated that IAEA "did not do what it had to do in response to the sincere efforts of the Democratic People's Republic of Korea to solve the 'nuclear issue' through negotiations, but, instead, adopted an unreasonable 'resolution' at its last General Conference. IAEA is at present making another attempt to include the 'nuclear issue' in the resolution of the General Assembly of the United Nations". It further stated that "this is nothing but a trick to cover its scope of partiality committed by itself under the guise of the name of international community."

8. On 28 October 1993 Director Choi of the Department for External Relations of the Ministry for Atomic Energy of the Democratic People's Republic of Korea, replied to the Deputy Director General's telex of 25 October, saying that "the Agency secretariat has ignored the Democratic People's Republic of Korea's proposal for consultations, and therefore, it is responsible for the situation

it has brought to such a point that the September meeting of the Board of Governors and the subsequent thirty-seventh regular session of the General Conference of the International Atomic Energy Agency have respectively adopted provocative 'resolutions' against the Democratic People's Republic of Korea". He added that this has "divested the Agency secretariat of its justification for any further dealings with the Democratic People's Republic of Korea".

9. Mr. Choi said, however, that "under an agreement reached at the recent Democratic People's Republic of Korea-United States of America working-level contacts in New York, we have decided now to agree to accept Agency inspection for the purpose of maintenance and replacement of the safeguards equipment on such a scope as they were carried out last August." As for the routine and ad hoc inspections proposed by the Agency, Mr. Choi stated that "the future and scope of these inspections would depend on the degree to which the ongoing Democratic People's Republic of Korea-United States talks make progress and the Agency's partiality and injustice are redressed". He also added that "if the current session of the United Nations General Assembly unreasonably takes up our nuclear issue" for discussion at this juncture, "it will only help to widen the area of the partiality and injustice of the Agency secretariat."

10. Mr. Choi concluded by saying that "our permission of the maintenance and replacement of the safeguards equipment is more than what the Agency deserves in the present-day circumstances" and that "in case the maintenance and replacement of the safeguards equipment would not take place because of your failure to respond positively to our goodwill measure, the Agency secretariat will be held totally responsible for the consequences therefrom".

11. The Deputy Director General replied to Director Choi on 29 October 1993. Recalling the Director General's telex of 14 September 1993 to the Democratic People's Republic of Korea's Minister of Atomic Energy he said that "the Agency has to perform all the activities specified in the telex of 8 September 1993, in order 'to meet its technical requirements and to thereby ensure, inter alia, continuity of safeguards over the Democratic People's Republic of Korea's declared nuclear activities'."

12. He also said that "all the activities specified in the telex of 8 September are overdue and necessary to halt the further deterioration of the relevant safeguards data." He emphasized that "these activities must be viewed as an integral whole and not as a set of activities from which a State can pick and choose. In seeking to limit Agency's inspection activities to which a State can pick and choose. In seeking to limit Agency's inspection activities to 'maintenance and replacement of the safeguards equipment', the Democratic People's Republic of Korea is widening the area of non-compliance with the safeguards agreement and reducing the assurance that all declared installations and material are used only for peaceful purposes."

13. He concluded by expressing the hope that "the Democratic People's Republic of Korea will review its position and agree to the Agency performing all the inspections activities specified in the telex of 8 September" following which the Agency "will be in a position to send an inspection team to the Democratic People's Republic of Korea."

14. Director Choi responded on 31 October 1993. He said that "our country finds itself in a unique situation in which the effectuation of its announced withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons still remains temporarily suspended". He added that "our permission of the Agency's activities for the maintenance and replacement of the safeguards equipment is more than what the Agency deserves in this situation." He reiterated that the scope of the routine and ad hoc inspection "would widen gradually, but only contingent on the degree to which the Democratic People's Republic of Korea-United States talks make progress and the partiality and injustice on the part of some officials of the Agency secretariat are redressed".

15. Mr. Choi urged the Agency secretariat to respond positively to the Democratic People's Republic of Korea's suggestion in relation to the maintenance and replacement of the safeguards equipment and "to respond to the Democratic People's Republic of Korea's goodwill measures." He also added that, in the case of the Agency's positive response, "we would be prepared to consider positively the Agency's request accordingly, even during the period of the Agency's activities of the maintenance and replacement of the safeguards equipment, depending on the progress of the Democratic People's Republic of Korea-United States talks".

16. In his 1 November 1993 statement at the forty-eighth session of the United Nations General Assembly, the Director General, inter alia, said that "the Agency cannot verify the correctness and assess the completeness of the Democratic People's Republic of Korea's report of material subject to safeguards". He stressed that "the Agency has not asserted that the Democratic People's Republic of Korea is diverting nuclear material for weapons development. However, until such time as the inconsistency between the Democratic People's Republic of Korea's report and the Agency's findings is satisfactorily resolved through additional information and visits to additional locations, the possibility that nuclear material has been diverted cannot be excluded".

17. The Director General regretted that, so far, the Democratic People's Republic of Korea has been "seeking to restrict IAEA safeguards verification, thereby reducing transparency". He also said that, as a result, "a number of verification measures of the Democratic People's Republic of Korea's declared nuclear activities have become overdue, and continuity of some safeguards-relevant data has been damaged. The longer the Agency is precluded from conducting inspection, the more safeguards-related data deteriorate and the less assurance safeguards can provide that even the declared facilities are used exclusively for peaceful purposes. For its part, the Agency is ready to conduct inspection of the nuclear installations and material which the Democratic People's Republic of Korea has declared and submitted to safeguards. However, the inspection activities are an integral whole. They are not a set of activities from which an inspected State can pick and choose. The Agency is also ready to consult with the Democratic People's Republic of Korea on all outstanding safeguards issues, including the question of inspection of non-declared sites and additional information."

18. On 1 November 1993 the General Assembly adopted resolution 48/14 which, inter alia, took note "of resolutions GOV/2636 of 25 February 1993, GOV/2639 of

18 March 1993, GOV/2645 of 1 April 1993 and GOV/2692 of 23 September 1993 of the Board of Governors of the International Atomic Energy Agency in connection with the implementation of the agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, as well as Security Council resolution 825 (1993) of 11 May 1993" and "expressed its grave concern that the Democratic People's Republic of Korea has failed to discharge its safeguards obligations and has recently widened the area of non-compliance." The resolution also commended "the Director General and the secretariat of the Agency for their impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea" and urged the Democratic People's Republic of Korea "to cooperate immediately with the Agency in the full implementation of the safeguards agreement."

19. The Acting Deputy Director General replied, on 5 November 1993, to Director Choi's telex of 31 October 1993, saying that "the scope of the Agency's rights and obligations and the Democratic People's Republic of Korea's rights and obligations, are not dependent upon any discussions you may have with outside parties" and that "by not accepting the required inspection activities on its declared nuclear material and facilities, Democratic People's Republic of Korea is depriving itself of the possibility of obtaining credible assurances concerning the peaceful nature of these items." He added that the "acceptance of safeguards by the Democratic People's Republic of Korea is not a favour made to IAEA," and that he hoped that the Democratic People's Republic of Korea would "review its position on inspections." He also stated the Agency's readiness to receive a consultation team from the Democratic People's Republic of Korea "to discuss all outstanding safeguard issues."

20. Director Choi responded on 10 November 1993. He said that the Democratic People's Republic of Korea's permission for the maintenance and replacement of the safeguards equipment "is the best measure for the Agency's secretariat in the unique situation in which the effectuation of withdrawal from the non-proliferation treaty has been suspended" and that "this is the measure taken by us on the basis of the agreement reached at the Democratic People's Republic of Korea-United States talks".

21. He also said that in case the "continuity of the containment and surveillance safeguards information will be lost because of your failure to accept our goodwill offer, the Agency will be totally responsible for it, and we cannot but take corresponding action accordingly." Mr. Choi also mentioned that, if the Agency were to send an inspection team for the maintenance and replacement of the safeguards equipment, "we may discuss the outstanding safeguards issues on that occasion."

22. In a communication of 15 November from the Permanent Mission of the Democratic People's Republic of Korea the secretariat was asked to circulate, to all members of the Board of Governors, a statement made on 11 November by Mr. Kang Sok Ju, First Vice-Minister for Foreign Affairs of the Democratic People's Republic of Korea and head of the Democratic People's Republic of Korea side's delegation to the Democratic People's Republic of Korea-United States high-level talks.

23. The First Vice-Minister said that he deemed it "necessary to clarify the truth of the situation and our principled stand for a solution of the nuclear problem." It was clear that the Democratic People's Republic of Korea and the United States were "the parties vested with chief responsibility and authority for the solution of this problem." Accordingly, the Democratic People's Republic of Korea had, inter alia, taken "practical measures for the solution of the nuclear problem," such as temporarily suspending the effectuation of its declaration to withdraw from the non-proliferation treaty, resuming "negotiation with IAEA and the North-South dialogue." Under this "special situation, we totally froze the movement of nuclear material within the Democratic People's Republic of Korea to fulfil our commitment to proving the transparency of our nuclear activities and allowed inspection for ensuring the continuity of safeguards in this regard." The main, current problem was that the United States had failed to show similar movement and in parallel.

24. The First Vice-Minister added that "the Democratic People's Republic of Korea has until now remained faithful to its promise to the United States that it will allow the readjustment and replacement of the inspection cameras of IAEA. Still now the inspection cameras and seals of IAEA remain on the nuclear facilities of our country." He also stated that "Though we consider that the observation by cameras alone is enough to ensure the continuity of safeguards we, making allowances for the circumstances of the United States side, clearly manifested our magnanimous stand that the scope of inspection might be expanded and already held an informal negotiation with the United States side and then proposed a working-level negotiation with IAEA. Nevertheless, the United States and IAEA are claiming that if the continuity of safeguards is to be ensured, we must accept an overall inspection by IAEA ...".

25. The First Vice-Minister went on to say that "Under the special circumstances in which we unilaterally and temporarily suspended the effectuation of our withdrawal from the Treaty, there must be a clear distinction between the guarantee of continuity of safeguards and full compliance with the safeguards agreement. The full compliance with the safeguards agreement must, in any case, be debated and solved in direct links with the abandonment of the nuclear threat and stifling policy of the United States through future Democratic People's Republic of Korea-United States talks." He also said that "The nuclear problem will be solved smoothly when an agreement is reached on the formula of package solution and the United States takes a practical action of renouncing the nuclear threat and hostile policy against us according to it [sic] and we fully comply with the safeguards agreement, remaining committed to the Treaty. There is no change in our stand to fully ensure the continuity of safeguards until an agreement is reached on the formula of package solution."

26. He concluded by saying that "If the International Atomic Energy Agency ignores our sincere proposal for negotiation to ensure the continuity of safeguards and distorts the fact as if the continuity of safeguards in the Democratic People's Republic of Korea has been broken, it would be considered to be a signal urging the Democratic People's Republic of Korea to quit the Non-Proliferation Treaty promptly."

27. The Acting Deputy Director General for Safeguards replied on 24 November 1993 to Director Choi's telex of 10 November 1993. He said that, to confirm what the Democratic People's Republic of Korea already knew, "the Agency needs to perform all the activities specified in the telex of 8 September, as well as certain additional activities that have also become necessary in view of the loss of continuity in the application of surveillance." The Acting Deputy Director General made clear that "safeguards verification is a system of many interrelated components, designed to give, together, assurance of peaceful use of nuclear installations and material" and added that "as many components of the system require periodic visits by inspectors, it is inevitable that the longer these inspections are delayed beyond the established timetable, the more eroded the safeguards become - the less there is of continuity." Emphasizing, therefore, that the reloading of cameras and checking of seals is not enough to ensure continuity, he stated that "the Agency will not lend itself to creating a semblance of continuity of safeguards by only looking after a few components of the system, when more is needed."

28. He further stated that inspection of all the declared nuclear facilities in the Democratic People's Republic of Korea was overdue, which includes "the IRT research reactor, the critical assembly and the subcritical assembly that are to be inspected once a year, and where the last inspection was in May 1992" and "the natural uranium fuel fabrication plant which is to be inspected at least four times a year, and where only three inspections have been performed since May 1992, the last being in November 1992." Based on the above he concluded that "the Agency has not yet been in a position to verify the initial inventory of the fuel fabrication plant". He added that "the situation is similar in the nuclear fuel rods storage facility which requires three inspections per year, and where only one inspection has been performed in May 1992."

29. The Acting Deputy Director General concluded by expressing his hope that the Democratic People's Republic of Korea would accept the Agency's performing all the required activities and stated that the Agency "remains ready to receive a Democratic People's Republic of Korea consultation mission at any time to discuss other outstanding safeguards issues."

30. In a paper titled "Information by the Ministry of Atomic Energy of the Democratic People's Republic of Korea on maintaining the continuity of the IAEA safeguards in the Democratic People's Republic of Korea" (dated 1 December 1993) sent to the Agency by the Permanent Mission of the Democratic People's Republic of Korea, the Ministry of Atomic Energy of the Democratic People's Republic of Korea, inter alia, while describing the country's "sincere efforts for maintaining the continuity of the safeguards data", pointed out that "at present the containment and surveillance systems installed by the Agency remain untouched". Therefore "even though some video surveillance systems run out the reactor core and inlets/outlets for nuclear material flow channels in the experimental NPP (KDE) and ion exchange process and other main processes in the radiochemical laboratory (KDF) are fully frozen by containment and surveillance systems of IAEA." Underlining that "there are more containment and surveillance systems than necessary in our nuclear facilities, in view of the specific nature of our nuclear facilities and present construction status of the radiochemical laboratory", the paper states that "since containment and surveillance measures

complement and complete each other, the continuity of the safeguards is maintained although one of them temporarily is in insufficient status."

31. The paper underlines that there should be "a clear distinction between full implementation of the Safeguards Agreement and the problem for ensuring the continuity of safeguards data in the current special situation in which we unilaterally suspended the effectuation of our withdrawal from the NPT." It continues saying that "even though physical inventory verification of nuclear material for the time being is delayed in other facilities having non-weapon-grade material, except the KDE and KDF which are under the Agency's containment and surveillance, it is too natural that nobody can have suspicion that the non-weapons-grade material would be diverted to military activity for so-called 'manufacture of nuclear weapons'".

32. The paper further states that "the IAEA inspection activity for maintenance of containment and surveillance systems is adequate to the created current special situation in ensuring the continuity of safeguards in the Democratic People's Republic of Korea." It points out that the Agency secretariat, by requesting the Democratic People's Republic of Korea to accept full ad hoc and routine inspections in accordance with its safeguards agreement with the Agency "instead of conducting the inspection for maintenance of containment and surveillance systems", shows that "some officials of the IAEA secretariat continue to join hostile forces in the plot of stifling our Socialist system".

33. The paper concludes by saying that "the issue of the routine and ad hoc inspections the Agency insists on" "will be resolved one by one if the further Democratic People's Republic of Korea-United States high-level talks will make a progress and if the further consultations with the Agency will be held."

34. On 1 December 1993 Director Choi replied to the 24 November telex from the Acting Deputy Director General. Referring to his telex of 10 November 1993, proposing that the Agency send an inspection team for maintenance and replacement of containment/surveillance equipment and discussion of outstanding safeguards issues, Director Choi said "if the Agency's secretariat had accepted our reasonable proposal, many problems could have been resolved in maintaining the continuity of safeguards more sufficiently". He added "it is very regrettable that our proposal has not been realized because of some officials of the IAEA secretariat. As for the issue of the alleged 'deterioration' of continuity of safeguards, the IAEA secretariat that avoided replying to our proposal is fully responsible for it".

35. Director Choi concluded that "the serious problems raised in relation between us and the Agency will be settled gradually, if the Democratic People's Republic of Korea-United States talks make progress and IAEA accepts our proposal. If the secretariat of the Agency is really concerned about the continuity of safeguards they have to respond positively to our reasonable proposal."